

# Exhibit 5



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                               |   |                              |
|-------------------------------|---|------------------------------|
| SAMSUNG ELECTRONICS CO., LTD. | ) |                              |
| AND SAMSUNG SEMICONDUCTOR,    | ) |                              |
| INC.,                         | ) |                              |
|                               | ) |                              |
| Plaintiffs,                   | ) |                              |
|                               | ) | C.A. No. 21-1453 (RGA) (JLH) |
| v.                            | ) |                              |
|                               | ) |                              |
| NETLIST, INC.,                | ) |                              |
|                               | ) |                              |
| Defendant.                    | ) |                              |
| <hr/>                         |   |                              |
| NETLIST, INC.,                | ) |                              |
|                               | ) |                              |
| Counterclaim Plaintiff,       | ) |                              |
|                               | ) |                              |
| v.                            | ) |                              |
|                               | ) |                              |
| GOOGLE LLC, ALPHABET INC.,    | ) |                              |
| SAMSUNG ELECTRONICS CO., LTD. | ) |                              |
| AND SAMSUNG SEMICONDUCTOR,    | ) |                              |
| INC.,                         | ) |                              |
|                               | ) |                              |
| Counterclaim Defendants.      | ) |                              |

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to the Court’s Scheduling Order (D.I. 61), as amended by stipulation of the parties and Order of the Court (D.I. 72), Plaintiffs and Counterclaim-Defendants Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc. (collectively “Samsung”), Counterclaim-Defendants Google LLC and Alphabet Inc. (collectively “Google”), and Defendant and Counterclaim-Plaintiff Netlist, Inc. (“Netlist”) hereby file this Joint Claim Construction Chart, attached hereto as Exhibit 1. The Joint Claim Construction Chart includes each party’s proposed construction of the disputed claim terms, phrases, or clauses from U.S. Patent No. 10,217,523 (“the ’523 patent”), along with citation to intrinsic evidence in support of their respective proposed clam

| Exhibit | Title   |
|---------|---|
| G       | IPR2014-01372, Paper No. 11 (Dec. 18, 2014), Patent Owner's Preliminary Response  |
| H       | IPR2017-00560, Paper No. 6 (Apr. 10, 2017), Patent Owner's Preliminary Response   |
| I       | IPR2017-00561, Paper No. 6 (Apr. 10, 2017), Patent Owner's Preliminary Response   |
| J       | U.S. Patent No. 8,154,901   |
| K       | Provisional App. No. 61/044801  |
| L       | Declaration of William Mangione-Smith in Support of Netlist's Constructions of Disputed Terms, dated May 26, 2017, Case No. 16-cv-01605-JLS-JCG (C.D. Cal.) |
| M       | Excerpts from the prosecution history of U.S. Patent No. 10,217,523   |
| N       | IPR2022-00063, Paper No. 1 (Oct. 15, 2021), Petition For <i>Inter Partes</i> Review Of U.S. Patent No. 10,217,523   |
| O       | IPR2014-00970, Paper No. 1 (June 18, 2014), Petition For <i>Inter Partes</i> Review Of U.S. Patent No. 8,001,434  |
| P       | IPR2014-01372, Paper No. 1 (Aug. 22, 2014), Petition For <i>Inter Partes</i> Review Of U.S. Patent 8,001,434  |

Dated: July 3, 2023

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 Samsung Semiconductor, Inc.*

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July 3, 2023

| Disputed Term, Clause, or Phrase   | Netlist's Proposed Construction & Evidence  | Samsung and Google's Proposed Construction & Evidence   |
|--|---|---|
| <p>“data handler logic element[s]”</p> <p>cls. 1, 2, 5, 10, 14, 17, 19, 23</p> | <p>plain and ordinary meaning, that is, logic element(s) in data handler</p> <p><b><u>Intrinsic Evidence</u></b></p> <p><i>See, e.g.</i>, Ex. A (’523 Patent) at 10:21-49, 12:43-50, Fig. 3 and associated disclosure, cls. 1, 2, 5, 10, 14, 17, 19, 23 and all dependent claims thereof.</p> <p><i>See also, e.g.</i>, Ex. O (IPR2014-00970) Paper 1 (Petition), Ex. P (IPR2014-01372) Paper 1 (Petition).</p> | <p>“circuitry within the data handler that generates the data patterns”</p> <p><b><u>Intrinsic Evidence</u></b></p> <p><i>See, e.g.</i>, Ex. A (’523 Patent) at 1:30–34, 1:38–41, 2:4–11, 4:47–52, 10:17–31, 10:38–44, 12:43–50, Figs. 2–3 and associated disclosure.</p> <p><i>See also, e.g.</i>, Ex. B (’523 FH) Office Action dated Dec. 8, 2017; ’523 FH Amendment dated Feb. 8, 2018 at pp. 3–4, 12, 17; Ex. E (IPR2014-00970) Paper 10 (Patent Owner’s Prelim. Response) at pp. 25–26; Ex. F (IPR2014-00970) Paper 16 (Patent Owner’s Response) at pp. 19–21; Ex. G (IPR2014-01372) Paper 11 (Patent Owner’s Prelim. Response) at pp. 20–21; Ex. L (Mangione-Smith Expert Decl.) dated May 26, 2017, ¶ 59.</p> |